

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC C. PENDLETON,

Plaintiff,

v.

ADREAN WILLIAMS, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

CASE NO. 3:12-cv-00376
Chief Judge Haynes

ORDER

Before the Court are Plaintiff's motions to compel answers to interrogatories (Docket Entry Nos. 79 and 91) and motion for leave to take the deposition by written questions of Robert D. Storey, custodian of video recordings for the Davidson County Sheriff's Office ("DCSO") (Docket Entry No. 92). Plaintiff moves the Court to compel the Defendants to answer various discovery requests and to produce the original video and recording cameras of the Davidson County Justice Center intake and turnkey area as well as the video and/or digital recording of the front, back, center and side of the turnkey desk and restraint holding cell area from 4:30 PM on April 7, 2012 to 6:00 AM on April 8, 2012.

In response (Docket Entry Nos. 86 and 97), Defendants Christopher Allgood, Montez Mays, and Adrean Williams contend, in sum: (1) that these Defendants have fully responded to Plaintiff's interrogatories; (2) that Plaintiff fails to identify how or why Defendants' responses are insufficient; (3) that the motions to compel are not addressed to a specific Defendant; and (4) that these Defendants are not in possession of any video or digital recordings for DCSO.


A review of the record reflects that Defendants have complied in answering Plaintiff's interrogatories, and Plaintiff fails to show how these responses are insufficient. Accordingly,

Plaintiff's motion to compel answers to interrogatories (Docket Entry No. 79) is **DENIED**.

Both parties cite the affidavit of Robert D. Storey that Defendants submitted attached to a response to a previous motion to compel. (Docket Entry Nos. 86, 91). Storey asserts that the video recording from the requested dates does not exist. As the recording does not exist, Plaintiff's motion to compel (Docket Entry No. 91) is **DENIED**. Because Robert D. Storey is the custodian of the requested video recordings, Plaintiff's motion for leave to take Robert D. Storey's deposition by interrogatories (Docket Entry No. 92) is **GRANTED**. Metropolitan Government of Nashville and Davidson County Legal Department shall ensure that such interrogatories are delivered to Robert D. Storey.

It is so **ORDERED**.

ENTERED this the 28th day of June, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court